

ALEX G. TSE (CABN 152348)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

MICHELLE J. KANE (CABN 210579)
MATTHEW A. PARRELLA (NYBN 2040855)
Assistant United States Attorneys

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
FAX: (510) 637-3724
michelle.kane3@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------------|---|--|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 16-00440 WHA |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | EXCLUDING TIME FROM AUGUST 14, 2018, |
| v. |) | THROUGH OCTOBER 9, 2018. |
| |) | |
| YEVGENIY ALEXANDROVICH NIKULIN, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nechay, and the United States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella, hereby stipulate to the following:

1. The parties appeared before the Court on August 14, 2018, for a status conference;
2. The Court set the next appearance for this matter for October 9, 2018, at 2:00 pm for Competency Hearing;
3. The Court, with the agreement of the parties, has previously designated the case as complex based on the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);
4. The parties agreed that the time until the next appearance was necessary for effective

1 preparation and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);
2 5. The government and defense therefore agreed that the time between August 14, 2018, and
3 October 9, 2018, is necessary based on the nature of the prosecution and for effective
4 preparation and continuity of counsel, taking into account the exercise of due diligence, and
5 that the ends of justice served by excluding the period from August 14, 2018, through
6 October 9, 2018, from Speedy Trial act calculations outweigh the interests of the public and
7 defendant in a speedy trial, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).
8

9 IT IS SO STIPULATED.

10
11 DATED:

Respectfully submitted,

ALEX G. TSE
United States Attorney

12
13
14
15 _____
MICHELLE J. KANE
16 MATTHEW A. PARRELLA
Assistant United States Attorneys
17

18
19 _____
VALERY NECHAY
20 Counsel for NIKULIN
21

22
23 _____
ARKADY BUKH
24 Counsel for NIKULIN
25
26
27
28

~~PROPOSED~~ ORDER

Based upon the representations of counsel at the August 14, 2018, hearing, and for good cause shown, the Court finds that the case is complex based on the nature of the prosecution. 18 U.S.C. § 3161(h)(7)(B)(ii). The Court also finds that failing to exclude the time between August 14, 2018, and October 9, 2018, would unreasonably deny the defendant the reasonable time necessary for preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between August 14, 2018, and October 9, 2018, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time between August 14, 2018, and October 9, 2018, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(ii), (iv).

IT IS SO ORDERED.

DATED: August 16, 2018.


HON. WILLIAM H. ALSUP
United States District Judge